

Minutes
Air Pollution Control Board
Elkhart County Public Services Building
Conference Rooms A & B
4230 Elkhart Road
Elkhart, Indiana

September 1, 1999
7:00 p.m.

1. Mr. John Walker, Chairman, called the meeting to order at 7:00 p.m. He noted that a quorum was present.

CALL TO ORDER
QUORUM

2. Chairman Walker introduced the board members.

INTRODUCTION OF
MEMBERS

Present: John Walker, Chairman
Thomas Anderson
John Bacone, Proxy, Department of Natural Resources
Jeff Bowe
Howard Cundiff, Proxy, State Board of Health
Chris Horn
Randy Staley
Dr. James Miner
George Ewing
Rachel McGeever, Legal Counsel
Tom Rarick, Technical Secretary

Absent: Marlowe Harmon
Steve Rogers, Proxy, Lieutenant Governor

Staff members present were Janet McCabe, Assistant Commissioner; and Kathy Watson, Air Programs Branch Chief. Other attendees are recorded on a separate sheet. A court reporter was present and a transcript is available for review.

3. Ms. McCabe introduced the Urban Air Toxics Monitoring project, a two-year program to collect data on air toxics levels. She noted that Elkhart has four monitoring sites. Three of the monitors will be in place for six months, and one monitor will collect data for the entire two-year program.

REPORTS

Ms. McCabe updated the board about the efforts between various states and the US EPA to come to an agreement on how to proceed with reductions of nitrogen oxides to address the ozone problem. No official progress has been made at this time.

Ms. McCabe updated the board with the efforts of the Environmental Quality Service Council this year. Air quality issues being discussed include emissions trading, styrene, and attainment of the eight-hour ozone standard in Indiana.

4. Chairman Walker introduced the presentation of the nonrule policy document, Air-024NPD, Draft Interim Guidance for the Reinforced Plastics Composites Fabricating Industry.

**PRESENTATION OF
NONRULE POLICY
DOCUMENT, Air-
024NPD, Draft Interim
Guidance for the
Reinforced Plastics
Composites Fabricating
Industry**

Ms. McCabe presented the draft guidance document to the board. The document must be final by November 1, 1999. Before it becomes effective, it must be presented to the board in its final form. The final presentation will be next month, at the October 1999 board meeting. Comments and other input from this board meeting will be used to make any final adjustments before it becomes effective.

The policy concerns the pollutant styrene, used in the composite plastics fiberglass industry. Developments shaping this policy include technological advances to produce a product in a way that emits less styrene. Other considerations are extremely low cost and ease of implementation. Side-benefits to incorporating some of these ideas include less material waste and improving employee work conditions at plant sites.

Additionally, the emission factors used for this industry had underestimated emissions by approximately half. There was concern that the companies would not be able to show compliance with their emission limit when the emission limits were calculated using the new emission factors. The department has been exploring ways the companies can either comply with their permit limit or seek a higher emission limit.

The 1999 legislature recognized this issue and House Enrolled Act 1919 was passed. HEA 1919 directed the department to develop a rule for this industry. The rulemaking process has been started; the first notice was published this summer. The next step is to take a rulemaking action before the board and meet the December 2000 deadline. The statute also directed the department to develop a nonrule policy document that explains to the companies how the department would address permitting situations in the interim between now and the time the rule is in place.

The nonrule policy document addresses permitting new sources. It is intended to deal with existing sources that may have trouble complying with their existing emission limit or need to ask for a new one. The policy has three main categories of existing facilities. The first category is for companies that can still comply with their existing emission limits. The second category is for companies that may be able to comply by taking advantage of existing pollution control technologies. The third category is for

companies that need to have a higher emission limit set. Sources whose emissions exceed the federal permitting threshold are categories that this policy cannot address. The department has been working with companies to identify reasonable solutions and to ensure adequate time for sources to come into compliance.

The department also realizes that requirements of the nonrule policy document should be similar to the state rule to be adopted by December 2000. The department commits to recommend a grandfathering approach in the state rule for facilities that adopt new control technology under the nonrule policy document.

Mr. Paul Dubenetzky, Chief of the Permits Branch, discussed implementation of the rule that requires the Best Available Control Technology (BACT), and how it specifically applies to the fiberglass fabrication industry.

Mr. Bowe asked about the facility category that applies to Global Glass. Ms. Schenk answered that Global Glass is one of the larger companies in the state to which some of the BACT technologies have been applied, and that they are fully compliant with BACT.

Mr. Kurt Anderson, Environmental Health and Safety Director of the Monaco Coach Corporation, made comments. The fiberglass industry agrees on how to identify companies affected by the new emission factors and how to simplify their filing requirements. They do not agree, however, that additional controls should be part of the permit limit correction process. This should be accomplished through the *Industry Specific Control Rule*, a draft rule Mr. Anderson submitted to the board as a handout. To substantiate their position, the Composite Fiberglass Association (CFA), and Monaco Coach both obtained separate legal opinions supporting their position that IDEM does not have authority to add control on existing facilities without a new rule. The goal of the industry group is to make the new rule as encompassing as possible by having specific rules for as many industry categories as possible. They do not want a general rule applied to the entire industry.

Mr. Vince Griffin, Director of Environmental Industry Policy for the State Chamber in Indianapolis, commended the CFA, Senators Riegsecker and Adams, and IDEM for their efforts and cooperation while developing the nonrule policy document.

Mr. Tom Neltner, representing Improving Kids' Environment, noted that both IDEM and the industry are working toward the common goal of reducing styrene emissions. However, there is also a fairness issue with the emission factor changes, and IDEM needs to be prepared to apply those changes to other industries, as well. He commented that this policy is setting the precedent for other industries and needs to be consistently applied.

Mr. Tom Anderson (board member) commented that emission factor changes and emissions trading play important roles in this policy development. Older facilities, for example, may have emission factors that are too high. He questioned if there were many instances where grandfathered facilities accepted

high emission factors because it did not affect them. Mr. Dubenetzky answered that it is not a rare occurrence when emission factors change. There have been instances where the department recommended that production limits be raised after new emissions information was gathered, for example. The department has faced this issue before and it tries to be as consistent as possible.

Mr. Tom Brown, concerned citizen, commented that the goal of the Clean Air Act is to provide cleaner air—not to keep an industry in business. IDEM should be stricter in its dealings with this industry.

Ms. Andrea Holtz, representing the Network for Women and Children's Environmental Health, stated that she was present to petition the board, IDEM, and the Reinforced Plastics Composite Fabricating Industry to take immediate action in implementing the necessary measures to ensure the reduction of styrene in the community. The Network believes it is a violation of their rights as citizens to be subjected to breathing double the emissions established by the governing agencies. They feel it is inaccurate that the EPA bases emissions effects on a 165 lb. man when addressing health risks in children and women. They are concerned that styrene is a possible carcinogen and that it may take 18 months or longer to reduce styrene emissions in Elkhart. They request immediate action.

Mr. Malcolm McDonald, concerned citizen, noted that most risk assessments are based on a 165 lb. male, which do not take into effect health risks for women, children, newborns or unborns. He also commented that the policy should consider other significant interrelating factors.

Senator Marvin Riegsecker commented that, in writing the legislation, his goal was not to keep everyone in the industry in business. He also commented that it has not yet been determined whether styrene is a known carcinogen. However, he is concerned with the respiratory irritation caused by styrene. He would be interested in knowing if there is a correlation between styrene emissions and respiratory illness in Elkhart.

Ms. Marie McDonald, registered nurse, commented that studies have shown that respiratory illnesses in children have increased 60-92%, she believes, because of air pollution. Mr. Tom Anderson asked if the increases were asthma increases. Ms. McDonald confirmed instances of asthma in children increased between 1970-1990. The difference in the percentages could be due to asthma in young adults being considered as childhood asthma. Mr. Bowe asked if data after 1990 were available, after the Clean Air Act. Ms. McDonald stated that newer data are available that show increases in children's illnesses.

Mr. David Whitmer, of DECA, Incorporated, commented that he was interested in knowing the preliminary results of the monitoring project. He questioned if increases in cancer or asthma are related to air pollution. He noted that the air is substantially cleaner since the Clean Air Act and EPA reports claim national air pollution levels are down 15-30% since 1980.

Mr. Kurt Anderson wished to clarify that the first part of House Bill 1919 was a guidance document on how to deal with emission factors and the second part was control technology for the industry. The

industry asked for controls, and they wished to do it through an open forum. They wished to negotiate this with everyone's concerns.

Chairman Walker introduced the rulemaking actions on the agenda and proceeded with the general hearing procedures.

5. Chairman Walker introduced Exhibit 1, the draft rule 326 IAC 18-1-6, asbestos license renewals, into the record of the hearing.

Ms. McCabe commented on the rule. The intent of this amendment is to clarify and make sure that the requirements are consistent between people who are applying for initial licenses and people who are applying for renewals. For example, the department has a process to audit people's training. Random applicants are requested to take a test which they must pass. The amendment ensures the random test is given to those who are applying for renewal.

Mr. Bowe asked how many people are licensed under this program and how the administrative tests are administered. Ms. McCabe answered that there are hundreds licensed. The tests are randomly administered.

Dr. Miner moved to preliminary adopt amendments to rule 326 IAC 18-1-6. Mr. Anderson seconded. The rule passed unanimously.

**CONSIDERATION OF
PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 18-1-6,
Asbestos License
Renewals**

6. Chairman Walker entered into the record Exhibit 2, the draft rule 326 IAC 1-2-48, definition of nonphotochemically reactive hydrocarbons or negligibly photochemically reactive compounds.

Ms. McCabe commented on the rule. This rule has to do with ozone and ozone precursors. The US EPA determines whether a particular chemical is considered to be an ozone precursor and publishes in the Federal Register a list of those chemicals. Depending on available evidence, a compound will be added or deleted. That list is incorporated into the Indiana state rules and must be periodically amended. The recommendation of the department is to include a reference to the appropriate federal rule, rather than have to amend the list each time US EPA adds or deletes a chemical. Any amendments would be automatically incorporated into the list of which chemicals are considered photochemically active or not when the department amends its citation to be consistent with the most current EPA citation. This will ensure consistency between state and federal rules.

**CONSIDERATION OF
PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 1-2-48,
Definition of
Nonphotochemically
Reactive Hydrocarbons
or Negligibly
Photochemically
Reactive Compounds**

Ms. McGeever asked if there would ever be a situation where the state rule would be less restrictive or more restrictive than the federal guidelines. Ms. McCabe answered that the rulemaking makes sure that the definition of nonphotochemically reactive hydrocarbons, as referred to within state rules, is as consistent as possible with the federal definition.

Dr. Miner said that it should never be an issue of too weak a statute, rather that the state could have too strong of a statute. Ms. McCabe answered that the risk of a state rule being more stringent than a federal rule would be more likely. She could not think of an instance where that would be the case, but she would double check.

Mr. David Whitmer, of DECA, Incorporated, commented that it is often difficult to access the federal documents necessary to determine which chemicals are being regulated. He proposes that IDEM list the compounds with their CAS number and refrigerant number.

Ms. Nancy Norden, of Imagineering Enterprises, suggests that if the compounds are not listed specifically, she prefers they be listed by CAS number. Notice should also be given on the web site, along with a link to the appropriate federal document.

Mr. Bacone asked what IDEM's response would be to the previous comments. Ms. McCabe answered that the web site suggestion was an excellent one and stated that the department will determine what it can do to make information readily available and to ensure that the rule is updated expeditiously. She requests that the board propose the rule. Suggestions can be brought back to the board before final adoption.

Mr. Cundiff moved to preliminary adopt amendments to rule 326 IAC 1-2-48. Dr. Miner seconded. The motion passed unanimously.

8. The next meeting is tentatively scheduled for Wednesday, October 6, 1999, at 1:00 p.m., in the Indiana Government Center South, Conference Room A, Indianapolis, Indiana.

NEXT MEETING

9. Chairman Walker adjourned the meeting at 9:05 p.m.

ADJOURNMENT

John Walker, Chairman

Thomas Rarick, Technical Secretary